

4200
1 BILL NO. G-78-10- 07

2 GENERAL ORDINANCE NO. G-

04-79

3 AN ORDINANCE amending General Ordinance
4 No. G-97 by authorizing the vacation of
5 a certain street.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
7 INDIANA:

8 SECTION 1. Petition for the vacation of a certain street having
9 been filed with the Fort Wayne City Plan Commission in accordance with
10 Section 44, Chapter 174, of the Acts of the General Assembly of the State
11 of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of
12 the General Assembly of the State of Indiana (I.C. 18-7-5-46), the
13 Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by
14 the Common Council of the City of Fort Wayne on November 26, 1963, is
15 amended by deleting the following street, to wit:


16 Nelson Street, from the north right-of-way of Jones
17 Street, to the north right-of-way of the first east-
18 west alley, lying south of Wilt Street. Total amount
of vacation: 156 feet - located between Lot #10 and
vacated alley of Jones Addition, and Lots #1, 2, 3, &
4 and vacated alley of City Subdivision.

19 SECTION 2. After passage of this Ordinance, approval by the
20 Mayor and legal publication, a duly certified copy of this Ordinance, of
21 the recommendation of the Fort Wayne City Plan Commission, and of the
22 action of the Mayor, shall be transmitted by the City Clerk to the Board
23 of Public Works of the City of Fort Wayne, Indiana.

24 SECTION 3. That this Ordinance shall be in full force and effect
25 from and after its passage, approval by the Mayor and legal publication
26 thereof.

27
28
29 
30 Councilman

31
32 APPROVED AS TO FORM
AND LEGALITY,


CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by

Hungo, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____ at _____ o'clock _____ M., E.S.T.

DATE: 10-10-78

Charles W. Winterman
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, placed on its passage.

PASSED (YEST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 2-13-79

Charles W. Winterman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-04-79 on the 13th day of February, 1979.
ATTEST: (SEAL)

Charles W. Winterman
CITY CLERK

Winfield C. Wingo Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of February, 1979, at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Winterman
CITY CLERK

Approved and signed by me this 20th day of February, 1979, at the hour of 2:00 o'clock P M., E.S.T.

Robert Carmichael
MAYOR

[Handwritten signature]

Bill No. G-78-10-07

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation
of a certain street

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

WILLIAM T. HINGA

[Handwritten signatures: John Nuckols, Samuel J. Talarico, Vivian G. Schmidt, James S. Stier, William T. Hinga]

2-13-79 CONCURRED IN
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

67-27-8 1/24/79

RESOLUTION NO. 67-27-8

WHEREAS, the BOARD OF PARK COMMISSIONERS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

Nelson Street, from the north right-of-way of Jones Street, to the north right-of-way of the first east-west alley, lying south of Wilt Street. Total amount of vacation: 156 feet - located between Lot #10 and vacated alley of Jones Addition, and Lots 1, 2, 3 & 4 and vacated alley of City Subdivision

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of Nelson Street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

COUNTY OF ALLEN

SS:

I, Henry P. Wehrenberg Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at a meeting held on January 24, 1979 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 24th DAY OF January 19 79

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. LaMar
Ethel H. LaMar, Member

Max G. Scott
Max G. Scott, Member

RESOLUTION

WHEREAS, the BOARD OF PARK COMMISSIONERS for the City of Fort Wayne, Indiana, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Fort Wayne, Allen County, to-wit:

Nelson Street, from the north right-of-way of Jones Street, to the north right-of-way of the first east-west alley, lying south of Wilt Street. Total amount of vacation: 156 feet - located between Lot #10 and vacated alley of Jones Addition, and Lots #1, 2, 3 & 4 and vacated alley of City Subdivision

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 20, 1978 at 7:30 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.


BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of street in Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

I, Thomas Adams, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing on said Commission held November 27, 1978, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 25th DAY OF January 1979

FORT WAYNE CITY PLAN COMMISSION


Thomas Adams
Secretary

PETITION TO VACATE A PORTION OF NELSON STREET

TO: The City Plan Commission, City of Fort Wayne, Indiana

FROM: The Board of Park Commissioners, City of Fort Wayne, Indiana

The Undersigned petitioner does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public portion of a street within the City of Fort Wayne, Indiana, and hereby described as follows:

Nelson Street, from the north right-of-way of Jones Street, to the north right-of-way of the first east-west alley, lying south of Wilt Street. Total amount of vacation: 156 feet - located between Lot #10 and vacated alley of Jones Addition, and Lots #1, 2, 3, & 4 and vacated alley of City Subdivision.


In support thereof, your petitioner represents as follows:

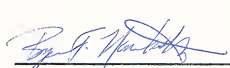
1. The Board of Park Commissioners is the owner of all the lots abutting that portion of Nelson Street that it is petitioning to be vacated.
2. The portion of this street proposed to be vacated is not necessary for access and is planned to be changed into a grass area to connect two parcels of park property.
3. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana code, Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described street be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated this twentieth (20th) day of July, 1978.


Robert C. Arnold
Secretary
Board of Park Commissioners


Byron F. Novitsky
President
Board of Park Commissioners

GRANT OF EASEMENT

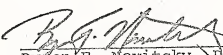
KNOW ALL MEN BY THESE PRESENTS that the Board of Park Commissioners of the City of Fort Wayne hereby grants and conveys to the Northern Indiana Public Service Company, Indiana and Michigan Electric Company, General Telephone Company, and the City of Fort Wayne, a utility easement, over, across, under and through a vacated street in the City of Fort Wayne, County of Allen, State of Indiana, hereinafter described:

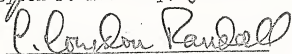
Nelson Street from the north right-of-way of Jones Street, to the north right-of-way of the first east-west alley, lying south of Wilt Street. Total amount of vacation: 156 feet - located between Lot #10 and vacated alley of Jones Addition, and Lots #1, 2, 3, & 4 and vacated alley of City Sub-division.

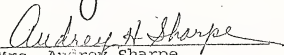
The Grantee, for itself, its heirs and assigns, covenants with Grantor that Grantee will pay for any damages done during the construction, installation, maintenance or repair of its gas lines, electric power transmission lines, pipe lines, telephone lines, poles, wires and cables, and will restore the service of the ground in as good condition as when entered upon by the Grantee or its agents. Said Grantee shall use the rights granted above with due regard to the rights of others and their use thereof, and shall not use the utility easement in anyway that will impair the rights of others to use it, and shall not obstruct passage thereon.


IN WITNESS WHEREOF the Grantor, by its members, has executed this instrument, this 18 day of January, 1979.

BOARD OF PARK COMMISSIONERS



By Leon F. Novitsky, President


C. Corydon Randall


Mrs. Audrey Sharpe


C. Philip Andorfer

ATTEST:

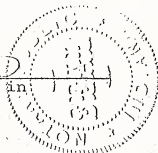

Robert C. Arnold, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in said County and State, this 18 day of January, 1979, personally appeared Byron F. Novitsky, C. Corydon Randall, Audrey Sharpe and C. Philip Andorfer, and attested by Robert C. Arnold, Secretary, all being members of the Board of Park Commissioners, and acknowledged the execution of the above and foregoing Grant of Easement as their voluntary act and deed.

In witness whereof, I have hereunto subscribed my name and affixed my Seal.

Robert C. Arnold
Notary Public, Residing in
Allen County, Indiana



My Commission expires:

June 28, 1980

This instrument prepared by Kenneth L. Scrogam

4330

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-78-12-06
DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P
SYNOPSIS OF ORDINANCE Lot #44 of the Northside Addition in Fort Wayne, IN.

EFFECT OF PASSAGE Property is now zoned "R3" - Multiple Family
Residential. Property will become "M1" - Light Industrial.

EFFECT OF NON-PASSAGE Property will remain "R3" - Multiple Family.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____